



CLARKE • FAUQUIER • FREDERICK • WINCHESTER
REGIONAL ADULT DETENTION CENTER

Fred D. Hildebrand
Superintendent

Bruce R. Conover
Assistant Superintendent

Main Facility
Work Release Facility

— 141 Fort Collier Road • Winchester, VA 22603
— 143 Fort Collier Road • Winchester, VA 22603
(540) 665-6374

March 23, 2005

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Records FAX: (540) 665-5691
Work Release FAX: (540) 678-1339

Mr. Chester Stribling
Fauquier County Board of Supervisors
10 Hotel Street, Suite 204
Warrenton, VA 20186

Dear Mr. Stribling:

As discussed at the March 17, 2005 Jail Board meeting, consideration is being given to establishing a Jail Authority. I have attached a memorandum from John D. O'Neill, Jr., Bond Counsel for the pending expansion project, which outlines the primary differences between Jail Boards and Jail Authorities.

Requisite procedures for establishing an Authority include a concurrent resolution adopted by the participating political subdivisions and the development of a new service agreement and by-laws. Bond Counsel and Jail Board Counsel are in the process of creating the service agreement and resolution. I have attached a copy of the current Jail Board By-Laws for your review. If you have any recommendations for change please forward them to me at your earliest convenience.

Also at the March 17 meeting, the Jail Board set the 2005 meetings for the 3rd Thursday of March, June, September, and December at 10:00 a.m. I have attached a meeting schedule.

The final attachment is an updated list of Jail Board Members and contact information. If there is a need for any corrections, please contact me.

Sincerely,

Fred D. Hildebrand

cc

Karen Burke
Katie Heritage



MEMORANDUM

TO: Ed Daley, City Manager
City of Winchester, Virginia

DATE: March 16, 2005

FROM: John D. O'Neill, Jr.

SUBJECT: Regional Jail

The Counties of Clarke, Fauquier and Frederick and the City of Winchester currently participate in the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center (the "Center"). The Center is operated by governed by the Clarke-Fauquier-Frederick-Winchester Regional Jail Board. The jurisdictions expect to commence construction on a new facility in May 2005. In preparation for the financing of the new facility, consideration is being given to the use of a jail authority that could issue revenue bonds to finance the costs of the new facility. You have asked that we review the provisions of the Virginia Code of 1950, as amended (the "Virginia Code"), regarding Jail Authorities, Article 3.1, of Title 53.1 of the Virginia Code (the "Jail Authority Statute"), and Regional Jails and Jail Farms, Article 5 of Title 53.1 of the Virginia Code (the "Jail Board Statute") and, in that regard, provide an overview of the differences between the statutes. Additionally, you have asked that we provide a timeline covering the creation of a jail authority.

A. Differences

1. Membership of Participating Jurisdictions

- a. The Jail Board Statute permits any 2 or more localities to enter into a regional jail or jail farm but otherwise does not restrict the addition or withdrawal of other participants.
- b. The Jail Authority Statute permits any 2 or more localities to enter into a jail authority. Because the jail authority is permitted to issue its own revenue bonds, no participating jurisdiction may withdraw while bonds of the jail authority are outstanding except by unanimous vote of all participating jurisdictions. Moreover, upon entry into the jail authority, all participants, including the entering jurisdiction, must adopt concurrent resolutions regarding the entry.

2. Ownership of Jail Property

- a. The Jail Board Statute requires each of the participating jurisdictions to own jointly any jail property.

- b. The Jail Authority Statute requires the jail authority to take title to any property it has acquired. Moreover, the Jail Authority Statute allows other state governmental entities, with the approval of the Governor, to lease, lend or convey real property to a jail authority.

3. Issuance of Bonds

- a. Under the Jail Board Statute, a jail board does not have the power to issue bonds. To issue bonds for a jail board project, the issuer would be one of the participating jurisdictions. Such bonds would be issued as revenue bonds (with revenues derived under a service agreement) and would appear on such jurisdiction's financial statements.
 - b. Under the Jail Authority Statute, the jail authority may issue revenue bonds for its projects. The jurisdictions participating in the authority would enter into a service agreement to provide revenues sufficient to service the authority's bonds. The service agreement also would likely contain a provision limiting the jail authority's ability to issue bonds without the consent of the participating jurisdiction. Lastly, a jail authority's bonds would not appear in the participating jurisdictions' financial statements.
4. Funding, Operating Expenses, Salaries & Reimbursement - There are differences in each of the statutes, and the policies and guidance of the State Board of Corrections will govern how these differences are interpreted. For instance, a jail authority may charge for the use of the services offered in such amounts to pay for the operation and maintenance of the facility plus debt service on any bonds.

5. Reporting

- a. The Jail Board Statute requires annual updates to be provided to the participating jurisdictions and monthly reports to the State Compensation Board.
- b. The Jail Authority Statute requires monthly reports to the State Compensation Board.

6. General Powers

- a. In addition to certain rights to reimbursement from the state and the ability to contract with private entities not set forth in the Jail Board Statute, a jail board is permitted under its statute only to:
 - 1. Establish rules and regulations governing the operation of the jail or jail farm not inconsistent with standards of the State Board of Corrections;
 - 2. Purchase land for the jail or jail farm for joint ownership by the participating political subdivisions with the approval of the local governing bodies;

3. Provide for all necessary stock, equipment and structures for the jail or jail farm within the budget approved therefor by the participating political subdivisions; and
 4. Appoint a superintendent of such jail or jail farm and necessary jail officers therefor who shall serve at the pleasure of the board.
- b. The Jail Authority Statute covers not only the powers set forth above for a jail board but also provides additional powers, including any other power to which a local correctional facility is entitled under Chapter 3 of Title 53.1 of the Virginia Code. A few of the powers bestowed are, as follows:
1. To purchase, lease, sell, exchange, mortgage, pledge, or otherwise dispose of real and personal property of every kind and character for its purposes;
 2. To employ officers, agents, and employees, including necessary jail officers and employees therefor, plus engineering and construction experts, fiscal agents and attorneys, and to fix their respective compensations;
 3. To construct, own, acquire, rehabilitate, equip, furnish, operate, and manage projects, the cost of any such project to be paid in whole or in part from the proceeds or other funds made available to the authority;
 4. To accept loans and grants of money or materials or property of any kind from the federal or state government;
 5. To borrow money, execute evidences of such indebtedness and secure the same; to issue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof. Any city or county participating in the authority may lend, advance, or give money or materials or property of any kind to the authority;
 6. To exercise any power usually possessed by private corporations performing similar functions; and
 7. To sue and be sued in its own name
- B. Similarities** - The most striking similarity is the fact that each entity is subject to the same governance and management provisions, including provisions allowing the entity to appoint a participating jurisdiction's treasurer as a fiscal agent.
- C. Timeline for Creation of a Jail Authority**
1. Each participating jurisdiction must concurrently adopt a resolution approving such jurisdiction's participation in the jail authority. The speed with which these approvals can occur will be determined by the procedural requirement each jurisdiction imposes when adopting resolutions of this type (e.g. 2 readings before passage of a resolution; publication of public notices).

2. As noted above, each jurisdiction will enter into a jail authority service agreement governing operation and management of the jail authority, including payment of any bonds or other capital improvement costs and, if applicable, specific projects to be undertaken by the jail authority. The timing of the approvals of the service agreement (and the initial bond financing) by the participating jurisdiction is flexible, with the only requirement being that the agreement is approved prior to the time the financing is undertaken. Accordingly, this approval could occur at the same meeting each participating jurisdiction approves the creation of a jail authority or at a subsequent meeting of each jurisdiction's governing body. (Note, however, that a service agreement will be required in a jail board structure and that any such agreement will not be materially different in respect of the participating jurisdictions' obligations from the service agreement necessary in the jail authority structure.)
3. Once created, the jail authority will need to hold an organizational meeting, adopt bylaws, elect officers and take similar action. Without knowing the procedures currently used by the Jail Board, it is quite possible these existing procedures can be easily modified for use by the jail authority.
4. Creating a jail authority will require addressing the transfer of title of existing property used by the Center to the jail authority, since, as noted above, the property currently is owned jointly by the participating jurisdictions.

AMENDMENT TO BY-LAWS
OF
THE CLARKE, FREDERICK, AND WINCHESTER
REGIONAL JAIL BOARD

Article I, Section 1 of the Amended By-Laws of the Clarke, Frederick, and Winchester Regional Jail Board is hereby amended to read as follows:

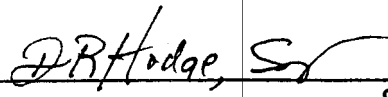
ARTICLE I
REGIONAL JAIL BOARD

Section 1. Number, Election, Terms, Removal, Vacancies:

The number of members (in the By-Laws referred to as "members") and alternate members (in the By-Laws referred to as "alternate members") of the Board, the method of their appointment, their terms, the method of their removal, and the filling of vacancies shall be as set forth in the Agreement dated October 20, 1987, between Frederick County, Clarke County, and the City of Winchester establishing the Regional Jail, and the Amendment to that Agreement dated November 15, 1990.

CERTIFICATE

This Amendment to the Amended By-Laws of the Clarke, Frederick, and Winchester Regional Jail Board was adopted by the Regional Jail Board on January 3rd, 1990.


Secretary

BY-LAWS
OF
THE CLARKE, FREDERICK, AND WINCHESTER
REGIONAL JAIL BOARD

ARTICLE I
REGIONAL JAIL BOARD

Section 1. Number, Election, Terms, Removal, Vacancies:

The number of members of the Board, the method of their appointment, their terms, and the method of removal of members and filling vacancies shall be as set forth in the Agreement between Frederick County, Clarke County, and the City of Winchester establishing the Regional Jail.

Section 2. Meetings and Notices:

Meetings of the Board shall be held at times fixed by resolution of the Board, or upon the call of the Chairman or the Secretary, or upon the call of a majority of the members of the Board. Notice of any meeting not held at a time fixed by a resolution of the Board shall be given to each member of the Board at least twenty-four (24) hours before the meeting at his residence or business address or by delivering such notice to him or by telephoning or telegraphing it to him at least twenty-four (24) hours before the meeting. Any such notice shall contain the time and place of the meeting, but need not contain the purpose of the meeting.

1

Meetings may be held without notice if all of the members of the Board are present or those not present waive notice before or after the meeting.

Section 3. Quorum:

A majority of the members of the Board actually appointed and serving at the time of a given meeting shall constitute a quorum. Less than a quorum may adjourn the meeting to a fixed time and place, no further notice of adjourned meeting being required.

Section 4. Proxy:

Voting by proxy shall not be permitted. This shall not prohibit polling of the Board or other authorized methods of voting.

Section 5. Duties:

The Board shall set policies for the operation of the Regional Jail, and shall perform those duties required by the Code of Virginia (Title 53, Chapter 3, Article 5) and by the Agreement between Frederick County, Clarke County, the City of Winchester establishing the Regional Jail

ARTICLE II

OFFICERS

Section 1. Election and Removal:

The officers of the Board shall be Chairman, Chairman, Secretary, and Treasurer. Any officer may hold

more than one office. The officers shall be elected annually by members of the Board, at the first meeting of the Board after January 1. Officers shall be members of the Board, except that the Secretary and Treasurer need not be a member of the Board. All officers shall serve for a term of one year or until their respective successors are elected, but any officer may be removed summarily with or without cause at any time by the vote of a majority of all of the Board members. Vacancies among the officers shall be filled by the Board

Section 2. Duties:

(a) Generally: The officers shall have such duties as generally pertain to their respective offices, as well as such powers and duties as from time to time may be delegated to them by the Board.

(b) Chairman: The Chairman shall preside at all regular and called meetings of the Board, shall have general supervision of the affairs and activities of the Board, and shall be responsible for the general operation of the Board.

(c) Vice Chairman: The Vice Chairman shall perform the duties of the Chairman in his absence or inability to perform such duties.

(d) Secretary: The Secretary shall prepare and keep the minutes of the meetings of the Board in appropriate books, give and serve all notices of the Board, be custodian

of the records, and perform all other duties incident to the office of Secretary

Treasurer: The Treasurer shall prepare financial reports for the Board, oversee the financial operations of the Regional Jail, coordinate with the local jurisdiction serving as fiscal agent for the Regional Jail, and perform all other usual and ordinary functions of the office.

ARTICLE III

AMENDMENT OF BY-LAWS

Section 1. When:

Amendment to the By-Laws may be made at any regular or called meeting of the Board.

Section 2. Notice:

Written notice setting forth the proposed amendment shall be given to each Board member not later than at the same time that notice of the meeting is given or waived.

Section 3. Vote:

Proposed amendments shall be adopted upon receiving a majority of the votes entitled to be cast by the members of the Board then present at the meeting.

member for whom the alternate member has been appointed is absent.

The Board shall submit annually to the participating political subdivisions a report showing its activities and a budget which shall include all revenues, expenditures, employee compensation schedules, and other data requested by the participating jurisdictions."

This Amendment to Agreement replaces and supersedes the Amendment to Agreement dated October 1, 1989.

WITNESS the following signatures and seals:

CITY OF WINCHESTER

By Edwin C. Daley (SEAL)
Edwin C. Daley
City Manager

THE COUNTY OF CLARKE

By Charles Johnston (SEAL)
Charles Johnston
Interim County Administrator

THE COUNTY OF FREDERICK

By John R. Riley, Jr. (SEAL)
John R. Riley, Jr.
County Administrator

***CLARKE-FAUQUIER-FREDERICK-WINCHESTER
REGIONAL JAIL BOARD***



2005 Meeting Calendar

March 17, 2005

June 16, 2005

September 15, 2005

December 15, 2005

All meetings are scheduled for 10:00 a.m. in the Adult Detention Center at 141 Fort Collier Road, unless otherwise specified at least 24-hours prior to the meeting.

CLARKE-FAUQUIER-FREDERICK-WINCHESTER
REGIONAL JAIL BOARD MEMBERS
fhildebr@co.frederick.va.us

FREDERICK COUNTY

John R. Riley, Jr.
Board Chairman
107 N. Kent St.
Winchester, VA 22601

Office: 665-5666
Home: 662-7508
Fax: 667-0370

Chairman
County Administrator
Frederick County
Term Expires: 10/05

Barbara Van Osten
103 Coopers Lane
Winchester, VA 22602

Home: 667-7673
Fax: 722-0417

Board of Supervisors
Frederick County
Term Expires: 10/13/05

Bill M. Ewing
P.O. Box 27
Stephens City, VA 22655

Home: 869-5058
Fax: 868-0072

Supervisors
County
Term Expires:

Robert T. Williamson
Fred-Winc Judicial Center
5 N. Kent St.
Winchester, VA 22601

Office: 662-6168
Home: 858-2705
Fax: 722-4001

Sheriff
Frederick County
Term Expires: Indef.

Richard Shickle
292 Green Spring Road
Winchester, VA 22603

Office: 665-4533
Home: 667-2264
Fax: 678-4484

Board of Supervisors
Frederick County
Alternate
Term Expires:

CITY OF WINCHESTER

Edwin C. Daley
Rouss City Hall
15 N. Cameron St.
Winchester, VA 22601

Office: 667-1815
Home: 667-6010
Fax: 722-3618

Vice-Chairman
City Manager
City of Winchester
Term Expires: 10/03

Elizabeth A. Minor
695 Woodland Ave.
Winchester, VA 22601

Office: 662-2173
Home: 662-2279

Council Member
City of Winchester
Term Expires: 10/04

Eric M. Varnau
231 E. Piccadilly Street
Winchester, VA 22601

Office: 545-4700 ext 1020
Home:
Fax: 545-1314
e-mail - wpdchief@shentel.net

Chief of Police
City of Winchester
Term Expires:

REGIONAL JAIL BOARD MEMBERS

Lenny Millholland Fred-Winc Judicial Center 5 N. Kent St. Winchester, VA 22601	Office: 667-5770 Home: Fax: 667-6438 e-mail - lmillholland@ci.winchester.va.us	Sheriff City of Winchester Term Expires: Indef.
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Timothy S. Coyne 45 E. Boscawen Street, 3rd Floor Winchester, VA 22601	Office: 722-3450 Home: 722-3808 Fax: 722-7555	City of Winchester Term Expires: 10/04 Alternate
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CLARKE COUNTY

David L. Ash 102 N. Church Street Berryville, VA 22611	Office: 955-5100 Fax: 955-4002	County Administrator Clarke County Term Expires: 10/03
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David C. Jelinek 384 Old Ferry Lane Bluemont, VA 22012	Home: 955-3173	Representative Clarke County Term Expires: 12/07
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Tony Roper P.O. Box 49 Berryville, VA 22611	Office: 955-5152 Fax: 955-4002	Sheriff Clarke County Term Expires: Indef.
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Barbara Byrd P.O. Box 472 Berryville, VA 22611	Office: Home: 955-1215 Fax:	Board Member Clarke County Term Expires: 1/04 Alternate
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FAUQUIER COUNTY

Charlie Ray Fox, Jr., 78 West Lee Street Warrenton, VA 20186	Office: (540) 347-6850 Home: Fax: (540) 349-2290 (Secretary - Theresa) Email: sheriff.fox@fauquiercounty.gov	Sheriff Fauquier County Term Expires: Indef.
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Chester W. Stribling Lee Magisterial District Fauquier Co. Bd. of Supervisors 10 Hotel Street, Suite 204 Warrenton, VA 20186	Office: (540) 347-8648 Home: Fax: (540) 341-1975 bos@fauquiercounty.gov (Secretary - Regina Dawson)	Bd. of Supervisors Fauquier County Term Expires:
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Paul McCulla 10 Hotel Street, Suite 204 Warrenton, VA 20186 (Finance Committee)	Office: (540) 347-8680 Home: Fax: (540) 349-2331	County Administrator Fauquier County Term Expires:
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COMMITTEES

Finance

Bill, Ewing, Chair
Elizabeth Minor
David Ash
Paul McCulla

Personnel

Ed Daley, Chair
Robert Williamson
Charlie Ray Fox
David Jelinek

Construction

Ed Daley, Chair
Robert Williamson
Charlie Ray Fox
David Jelinek

REGIONAL JAIL BOARD MAILING LIST PRESS DISTRIBUTION

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Fax: 722-3845

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e-mail - wzrv953@shentel.net

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Fax: 662-8610

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(540) 349-8676